

IC 22-4-39

Chapter 39. Deduction of Child Support Obligations

IC 22-4-39-1

Definitions

Sec. 1. As used in this chapter:

(1) "Child support obligations" includes only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Title IV-D of the Social Security Act.

(2) "Legal process" means a writ, an order, a summons, or other process in the nature of garnishment that is issued by:

(A) a court with jurisdiction in a state, territory, or possession of the United States;

(B) a court with jurisdiction in a foreign country with which the United States has entered into an agreement that requires the United States to honor the process; or

(C) an authorized official acting under an order of a court with jurisdiction or under state or local law.

(3) "State or local child support enforcement agency" means any agency of any state or a political subdivision of the state operating pursuant to a plan described in subdivision (1).

(4) "Unemployment compensation" means any compensation payable under this article (including amounts payable by the department pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment).

As added by Acts 1982, P.L.95, SEC.9. Amended by P.L.18-1987, SEC.102; P.L.235-1999, SEC.12.

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Disclosure of obligations; notification of child support enforcement agency

Sec. 2. An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether the individual owes child support obligations as defined in section 1 of this chapter. If the individual discloses that the individual owes child support obligations and is determined to be eligible for unemployment compensation, the department shall notify the state or local child support enforcement agency enforcing that obligation that the individual has been determined to be eligible for unemployment compensation.

As added by Acts 1982, P.L.95, SEC.9. Amended by P.L.18-1987, SEC.103.

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Deductions; amount

Sec. 3. The department shall deduct and withhold from any unemployment compensation payable to an individual that owes

child support obligations:

- (1) the amount specified by the individual to the department to be deducted and withheld under this section, if neither subdivision (2) nor (3) is applicable;
- (2) the amount (if any) determined pursuant to an agreement submitted to the department under Section 454(20)(B)(1) of the Social Security Act by the state or local child support enforcement agency, unless subdivision (3) is applicable; or
- (3) any amount otherwise required to be so deducted and withheld from the unemployment compensation pursuant to legal process properly served upon the department.

As added by Acts 1982, P.L.95, SEC.9. Amended by P.L.18-1987, SEC.104; P.L.235-1999, SEC.13.

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Deductions; payment to child support enforcement agency

Sec. 4. (a) Any amount deducted and withheld under section 3 of this chapter shall be paid by the department to the appropriate state or local child support enforcement agency.

(b) Any amount deducted and withheld under section 3 of this chapter shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support enforcement agency as a payment on the individual's child support obligations.

As added by Acts 1982, P.L.95, SEC.9. Amended by P.L.18-1987, SEC.105.

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Application of chapter

Sec. 5. This chapter applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the department under this chapter which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

As added by Acts 1982, P.L.95, SEC.9. Amended by P.L.18-1987, SEC.106.